

ECCLES WILL IN PROBATE COURT

Petitions Presented Tuesday by Rhode Island Hospital Trust Company of Providence and by the United Workers of Norwich—Court Asked to Appoint Trustee to Hold Legacies Claimed by Rock Nook Home—Opposition by William B. Eccles of Lancashire, England—Decision Reserved and Adjournment Taken Until September 4.

Judge Nelson J. Ayling in the probate court on Tuesday had before him for decision two petitions relating to John Eccles' will. One petition was by the Rhode Island Hospital Trust Company of Providence, R. I., the other by the United Workers of Norwich. In the will a legacy of \$50,000 is given to the Rock Nook Home for Children and two thirds of the remainder of the estate amounting to about \$100,000 is also given to said home. The Rhode Island Hospital Trust Company are the executors of the will and the United Workers are legatees for a large amount in the will. The Rhode Island Hospital Trust Company in their petition ask the probate court to appoint a trustee under the statute for the Rock Nook Home legacies to which trustee so appointed the Trust Company ask authority to pay the legacies given to the Rock Nook Home.

To Appoint a Trustee.

In the petition of the United Workers they ask that they may be appointed the trustee to take, hold and administer the funds given to the Rock Nook Home. Both petitions claim that the Rock Nook Home for Children, not being a corporation as described in Mr. Eccles' will, cannot take directly the said legacies given to that home, and that they are in doubt as to whom those legacies should be paid, but believe that there is need of the appointment of a trustee to take such legacies to carry out the intent and purpose of John Eccles' will. The claim of both petitioners is that John Eccles in giving the legacies to the Rock Nook Home, created a trust, but failed to appoint in his will a trustee to take the same and that on account of that omission the court of probate has the right and duty to appoint a trustee to whom the Rhode Island Hospital Trust Company, executors, may pay the legacies over \$200,000 for the benefit of the Rock Nook Home.

Opposed Both Petitions.

In opposition to both petitions William B. Eccles of Preston, Lancashire, England, the only brother of John Eccles and his sole heir at law, appeared by his counsel and objected and raised the objection that the Rock Nook Home for Children was not entitled to receive in any form the legacies in question. The claim of William B. Eccles is that he is the only heir of John Eccles and is entitled to receive as his own estate said legacies claimed for the said Rock Nook Home which he alleges are invalid. In making his will John Eccles supposed that the Rock Nook Home for Children was a corporation and gave the legacies to the home with that understanding.

It turns out that the Rock Nook Home for children is not and never was a corporation but is an institution owned and controlled by the United Workers, who are themselves a distinct corporation, and have given to them separate legacies by John Eccles' will as their own, about the payment of which there is no contention.

Question of Legal Construction.

The whole controversy rests upon the legal construction that shall be given by the court in the circumstances, to the will of John Eccles pertaining to the Rock Nook Home. William B. Eccles the brother claims that the legacies to the Rock Nook Home for children, are absolute ones with restricted provisions as to their use; that the provisions of the will

creates no trust whatever in regard to those legacies and that there being no trust created, there can be, therefore, no trustee appointed to take those legacies. On the other hand, the Rhode Island Hospital Trust Co. and the United Workers both claim that a charity has been created in the gift of those legacies to the public nature that must be carried out by a trustee to be appointed. The case occupied the attention of the probate court until the hour of adjournment at 4 o'clock. The subject was discussed and argued by all of the lawyers engaged in the case on the one side and on the other. Many questions of a legal nature were decided by the Supreme Court of the state, were cited and urged by both sides as settling the questions involved.

Claims Court Has No Jurisdiction.

William B. Eccles filed papers in the nature of a plea to the jurisdiction of the court, claiming that the Probate Court had no jurisdiction whatsoever over the two petitions that had been presented; that those petitions asked in effect and required the court to construe the will of John Eccles; that the court of probate has no right or authority to construe a will on any direct application solely brought to it for that purpose, independent of a vested authority in the court, that is being exercised to which construction of a will comes as requisite and incidental. The counsel for William B. Eccles claimed that the direct authority to construe a will was vested exclusively in the superior court as one of the equity powers of that court, and that decisions of the highest courts in Connecticut had repeatedly held that the court of probate could not assume that authority and power, so that the two petitions before the court were without legal sanction and opposed to the jurisdiction of the court. It was urged by the counsel for William B. Eccles that the dispute being one requiring the construction of a will to ascertain its legal meaning, it was the duty of the Rhode Island Hospital Trust Company, the executors, to proceed by petition to the superior court to construe and define the true meaning of the will and the true and authorized respective rights of the parties under it. It was also claimed that the case had not reached in the probate court the stage where any vested authority in the probate court was being exercised to which construction of the will was requisite and incidental. Various other objections were raised to the proceedings in the probate court by the petitioners that appeared to be of equal importance to the ones mentioned.

Adjourned Until Next Week.

Arthur M. Brown of Norwich and Lawyer Collins of Providence appeared for the Rhode Island Hospital Trust Company, the executors. John P. Huntington represented the United Workers and the counsel appearing for William B. Eccles were William H. Shields, of Norwich, Charles W. Gross of Hartford, Hadlai A. Hull of New London and William H. Shields, Jr., of Norwich. The matter was fully heard on the legal questions that were raised. A hearing on the facts involved in the two petitions was not had, that hearing being entirely dependent upon the decision that shall be rendered by the probate court on the questions raised as to the jurisdiction of the probate court. The probate court reserved its decision and adjournment of the court was taken until Saturday, Sept. 4.

GRANTED COMPENSATION UNTIL GETS BETTER

Decision in Favor of Frank Allie Vs. Chappell Company—New London Doctor Recovers Fees.

Two decisions were filed on Tuesday by Compensation Commissioner James J. Donohue.

In the case of Dr. George Cheney against Stephano Piscatello of New London for medical services in attending Piscatello for an injury to the right hand last April the decision was for the physician. Dr. Cheney's bill was for \$44 and he was allowed \$10. In the case of Frank Allie of 12 Thames street against the Edward Chappell company, Compensation Commissioner Donohue ruled that the respondent company pay compensation until Allie is able to go to work.

These points were made: It was agreed that the average weekly wages of the claimant were ten dollars and fifty cents (\$10.50). On the 24th day of January, 1915, claimant received an injury to his knee while in the employ of the respondent, his right knee having been badly wrenched as the result of a fall, which injury arose out of and in the course of his employment.

On the 24th day of February, 1915, an agreement was entered into by employer and employee which agreement was in accordance with the provisions of the statute, and which agreement was approved by the Compensation Commissioner of the Second Industrial district on the last day of March, 1915.

Said agreement provided for medical, surgical and hospital expenses during the thirty days following date of injury, also that employer should pay to employee compensation during disability at the rate of \$12.50 per week beginning on Feb. 10, 1915.

Payments on account of said disability and in accordance with said agreement have been made by respondent considered that disability had ended and that employee was able to resume work, and the hearing was called to determine whether or not the employee was still disabled and if so the extent of same.

The physician who had attended the claimant testified regarding the physical condition of said Allie during the time he had treated him, the injury received on Jan. 24th having developed into a case of leakage of the knee, and stated that claimant had rather lost confidence in his knee and that he did not consider him able to return to his former employment unless an easy position were secured for him where he would not be obliged to remain on his feet all day and where he would not have occasion to go up and down stairs.

Another physician, who had been called to make an examination of the claimant's knee about three weeks previous to the date of the hearing, testified that he did not at that time and the knee troubles and the actual measurements of the injured leg were less than the other, which might have been due to the elastic bandage which he was wearing, the knee being so fluid there at that time and that he considered at the end of six or eight months after the injury that claimant should be able to do something, but that considering the nature of the injury he considered it would be just as hard for a person to start in and work in two year time as it would with a knee in the condition of the claimant's.

It was suggested that the respondent endeavor to find some employment for the claimant which would be suitable under the existing conditions, that the claimant make an effort to work at least part of the time, in order that he might find out just what he was able to do if anything, and it was arranged that same should be done, the claimant agreeing his willingness to try the plan suggested. Whereupon, it is hereby awarded, adjudged and decreed that the respondent should pay to the claimant the sum of \$1000 as compensation due up to the date of his return to work and then if it is found that claimant is still disabled that compensation shall be continued on the original basis stated hereinbefore, and that this award is subject to a future hearing if same is found necessary.

LYME MAN GAME WARDEN.

James F. Bugbee Appointed for New London County.

Fish and Game Commissioner John M. Crampton returned on Monday, from Maine, where he attended a conference with the fish and game authorities of that state on the subject of bringing the state laws of Connecticut and Maine into harmony with them. Mr. Crampton reapportioned the following game wardens, one for each county in the state:

Hartford County—E. Linn Pease, of Enfield.
New Haven County—David H. Clark, of New Haven.
New London County—James F. Bugbee, of Lyme.
Fairfield County—Wilbur S. Smith, of Norwalk.
Litchfield County—Isaac P. Hornbeck, of Falls Village.
Windham County—Arthur L. Day, of Danielson.
Middlesex County—James H. Footit, of Middletown.
Tolland—Ernest W. Avery, of Somers.

Warden Pease, of Hartford county and Warden Smith of Fairfield county are the only two wardens which are under salary. They receive \$1,000 a year each and expenses. The other wardens are paid \$2 a day for actual service. Mr. Crampton also appointed the protectors of twenty from each county. The protectors are paid \$2 a day.

It is understood that the fish and game commissioners will not be requested to have their department exempted from the operation of the civil service law except for positions which are entirely clerical.

THROUGH CANADIAN ROCKIES.

Howard Palmer Back From a Two Months Exploration Trip.

Howard Palmer, formerly of Norwich, son of George S. Palmer, of New London returned Sunday to his apartment at the Mohican hotel from a two months exploration trip through the Canadian Rockies. Mr. Palmer and his party were the first to climb Mt. Sanford, the highest peak in the Selkirk range, a few years ago. He has made six trips into the Selkirk range and is an authority on geographical and geological formation of that section. His map of that region has been accepted by the geographical board of Canada, together with the names which he has given a number of peaks in the Selkirk range. The board has named one of the highest mountains Mt. Palmer and a glacier Palmer glacier, in recognition of his valuable contributions to existing knowledge of that hitherto unexplored country.

On his return trip Mr. Palmer went through Revelstoke, British Columbia, and explored the Selkirk from the western approach. His former explorations have been confined to the eastern section. He secured over 100 pictures.

Mrs. Theodora Wilcox Martin of Rockville is president of the Association of the Wilcox Family and Allied Families who will hold their third annual reunion at Stratford, Friday.

THE MOHICAN COMPANY

MORE FOR ONE DOLLAR THAN A DOLLAR CAN BUY ELSEWHERE

Extraordinary Low Food Prices For Wednesday, "Dollar Day"

Lean PORK 12 lbs. \$1.00 Salt Better Than Ordinary "Bean Pork"	3 lbs. Mohican BUTTER FOR \$1.00 Creamery 2 lbs. Best Pure LARD	1 1/2 bushels Potatoes FOR \$1.00 1 peck Onions -
LEGS OF LAMB 1 lb. . . . 16c FAT, THICK SALT PORK 10 lbs. \$1.00 SUGAR CURED SMOKED SHOULDERS 1 lb. . . . 10c	SALT SPARERIB 1 lb. . . . 5c LEAN LAMB CHOPS 1 lb. . . . 18c SUGAR CURED HAMS Whole or Half 1 lb. . . . 13c FRESH MADE FRANK-FURTERS 1 lb. . . . 15c	FRESH CUT HAMBURGER STEAK 1 lb. . . . 12 1/2c PICKLED PIGS' FEET 4 lbs. . . . 25c PICKLED TRIPE 5 lbs. . . . 25c NICELY MIXED BACON 1 lb. . . . 13 1/2c
FINE GRANULATED SUGAR 5-10 lb. cloth sacks 35c-70c 1/2 lb. box COCOA 17c 1 lb. COCOANUT 15c Evaporated PEACHES, 3 lbs. . . 25c MEATY PRUNES, 4 lbs. . . . 25c 1 lb. SEEDLESS RAISINS . . . 10c 1 lb. CITRON 18c 1 lb. ORANGE PEEL . . . } at 15c 1 lb. LEMON PEEL . . . }	Best PURE LARD 10 lbs. \$1.00 for \$1.00 6 lbs. LAUNDRY STARCH for 25c 3 pkgs. Old Dutch CLEANSER 25c 12 cans Campbell's SOUP Assorted \$1.00 30 bars LAUNDRY SOAP for \$1.00 1 lb. SPECIAL TEA 60c 1 lb. RED BUTTERFLY TEA . . 25c 1 lb. WISTERIA TEA 35c 1 lb. WARRIOR HEAD TEA . . 45c	6 cans Evaporated MILK Tall Size 6 cans Condensed MILK FOR \$1.00 Fresh From Our Own Ovens Daily DELICIOUS CHOCOLATE MARSHMALLOW ROLLS each 10c HOME-MADE BREAD, loaf 6c-8c FRUIT PIES, each 10c-15c RAISED JELLIED DOUGHNUTS, dozen 10c Mohican Lunch FRUIT CAKE lb. 15c "It Has That Butter Taste"
Cooking Compound 12 lbs. for \$1.00	Cabbage Free with purchases CORNED BEEF 10c-12 1/2c Choice Cuts—lb. . . .	3 cans TOMATOES . . . All For \$1.00 3 cans PEAS (Early June) 3 cans SALMON 3 cans CORN

FUNERAL.

Mrs. Henry Dearing.
Tuesday afternoon at 2.30 o'clock funeral services for Agnes, wife of Henry Dearing, were held at her residence, No. 175 Cliff street, with Rev. Charles H. Ricketts, pastor of the Greenville Congregational church, officiating. The bearers were John Kern, Gustave Thumm, George Dufner and Fred Witterer and burial took place in the family lot in Yantic cemetery where Rev. Mr. Ricketts read a committal service. Included in the large attendance were Mr. and Mrs. Christopher Rockwell and family of New London, Welcomes Rockwell of Groton, Mrs. William Ladd and daughter, Daisy, of South Canterbury and Herman Stevens of Hanover.

from William Dearing, crescent from Mrs. Kate Schweitzer and Marie Taft, a wreath from Mr. and Mrs. Henry Taft, a spray of gladiolus from Mrs. Fred Dearing and family, a spray of cal allies from Mrs. Charles Dearing and family, spray of asters from Mrs. William Ladd and Mr. and Mrs. Herman Stevens and family, cut flowers from E. F. Denny, a standing wreath from a friend of the family, spray of asters from Miss Bessie Miller, spray of asters from V. B. Alcorn, spray of asters from Lewis Heller. Undertaker C. A. Gager, Jr., had charge of the arrangements.

John Mizen, second steward on the yacht Carola owned by Commodore Leonard Richards of New York, was fatally burned at New London Saturday in the cabin of the yacht by an explosion of acetylene gas which is said to have been ignited by the turning on of an electric light. Considerable gas had escaped from the acetylene tank when Mizen turned on the light in the cabin the explosion occurred. He was hurled to the cabin wall and dropped in a heap. The roof of the cabin was blown off and the vessel otherwise damaged. Dr. E. P. Douglas was summoned and when he arrived found that Mizen was internally injured and that there was little hope for his recovery. He was removed to Memorial hospital where he died about an hour afterward. Mizen was once employed by Mrs. A. C. Tyler of the Pequot. His wife arrived in New London Sunday to attend to the funeral services Monday morning at St. Mary's church, where a requiem high mass was celebrated at 10 o'clock. Burial was in St. Mary's cemetery, New London.

Auto Trip to Pennsylvania.
Clement Whitman of Allryns Point has returned after spending a few weeks the guest of relatives in Lexington and Lebanon, Pa. He was accompanied on the trip by his wife and his son and niece. A nephew returned with them from Lexington and will spend a few weeks with them. The entire trip was made by auto and the only accident experienced was a broken spring which occasioned a delay of only a few hours.

More Labor Troubles Threatened.
If New York gets hold of the statement that it costs \$15,000 to "st" killed in Europe, all of her gunmen will be striking for higher wages—Washington Post.

"Uncle Bob" Knox, a Chatsworth, Ga. farmer who is 92 years old, has been granted his seventh divorce. He said that he will probably marry again.

THIS YEAR THE GREATEST EVER

Sixty-first Annual NEW LONDON COUNTY FAIR

Norwich, Conn., Sept. 6th, 7th, 8th, 1915 Opens Labor Day

Governor's Day, Sept. 7th

HON. MARCUS H. HOLCOMB
GOVERNOR OF THE STATE OF CONNECTICUT
TOGETHER WITH THE
MAYORS AND PROMINENT MEN FROM ALL OVER THE STATE
WILL BE OUR GUESTS ON THIS DAY
MILITARY ESCORT FOR THE GOVERNOR AND HIS PARTY
HIS EXCELLENCY WILL SPEAK AT 1.30 P. M.

A GATHERING IN OF
OLD FRIENDS — OLD COMRADES — OLD NEIGHBORS
WE WANT YOU WITH US BECAUSE
THIS IS YOUR GOVERNOR — THIS IS YOUR FAIR
THE ONLY FAIR IN THE STATE WITH A CATTLE SHOW
THIS YEAR
\$3,000.00 IN PURSES
STEPPING BY STEPPERS IN STEP REAL STEPS
BIG FREE VAUDEVILLE SHOW DAY AND EVENING
BIG MIDWAY

Day and Night Fireworks Two Bands Fair In Full Swing Day and Night



No Sleepyhead
with that bowlful of

New Post Toasties

The new method of manufacture brings out a new flavour, exceptional crispness, and a body and substance that don't mush down in cream.

Notice the tiny, pearl-like "puffs" on each flake—a characteristic of the



New Post Toasties
Your grocer has them.